

CCRB CASE CLOSING FORM

Investigator assigned: Petrino		Team: 1	CCRB#: 9503921	FADO: F
Date of incident: 6/18/95	Time of incident: 1500 hrs.	Location of incident: Orchard Beach sub-station	Pct. of occurrence: 045	Date SOL expires: 12/18/96
Date reported: 9/12/95	Time reported: 1256 hrs.	To whom/where/how reported: The victim's father, § 87(2)(b) contacted CCRB		
Complainant: § 87(2)(b)	Home address: § 87(2)(b)			
Victim(s): § 87(2)(b)				
Witness(es) § 87(2)(b)	§ 87(2)(b)	&	§ 87(2)(b)	§ 87(2)(b) The home addresses were not available for the witnesses.
Subject officer(s) (include rank): PO Marcos Figueria PO Michael Gibbs	Shield: 2175 9620	Tax: 890000 906330	Command: 047 044	
Allegation(s) by letter: <b>A-PO Figueria told § 87(2)(b) to, "Shut up!"</b> <b>B-PO Figueria punched § 87(2)(b) in the face and in the eye.</b> <b>C-PO Gibbs slammed his face into the wall.</b>			Recommendation(s): § 87(2)(g)	

### Summary of Facts

§ 87(2)(b) the victim, § 87(2)(b) and § 87(2)(b) were playing basketball on the same basketball court as § 87(2)(b). (See enclosures # 4-4a & 11-11a) An argument broke out with a friend of § 87(2)(b) and § 87(2)(b) § 87(2)(g). During this argument, § 87(2)(b) picked up a full beer bottle and hit the § 87(2)(b) in the head (see enclosures # 4-4a & 11-11a). The hit caused a profuse amount of bleeding.

During the melee, § 87(2)(b) § 87(2)(b) revolver was lost (see enclosure # 11-11a). § 87(2)(g)  
§ 87(2)(b) § 87(2)(b) (See enclosure # 25) § 87(2)(g)  
§ 87(2)(b), § 87(2)(g) he was taken to the substation at Orchard Beach and processed by PO Gibbs.

### Analysis

§ 87(2)(b) the victim, admitted hitting § 87(2)(b) in the head with a bottle of beer.  
(See enclosure# 4-4a) § 87(2)(b)  
§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) was the victim of § 87(2)(b) He stated in his interview that he engaged in an argument with a male Hispanic in the Orchard Beach Basketball court. § 87(2)(b)  
§ 87(2)(b) could not recall the nature of that disagreement. (See enclosure # 11-11a) § 87(2)(g)  
§ 87(2)(g) § 87(2)(b) took no responsibility for the argument. He could not remember how his bellybag managed to come off his person or at what point it fell off his waist. § 87(2)(b), § 87(2)(g)

PO Gibbs stated that when he was called over to the scene, by § 87(2)(b) At the time § 87(2)(b) § 87(2)(b)'s head was bleeding. (See enclosure #8-8a) § 87(2)(b) stated his brother (who he refused to name), who was not injured, went and got PO Gibbs. § 87(2)(b) stated PO Gibbs called for backup before chasing § 87(2)(b) PO Gibbs, however, stated he did not call for backup until after he caught § 87(2)(b) § 87(2)(g)  
§ 87(2)(g) According to § 87(2)(b) there were two police cars at the scene but PO Gibbs said only one police car came. PO Gibbs said that he § 87(2)(b)  
§ 87(2)(b) and § 87(2)(b) all went to the substation in the same car. § 87(2)(g)  
§ 87(2)(b), § 87(2)(g) He stated he was taken to the substation in a separate car. (See enclosure 11-11a)  
According to PO Gibbs (see enclosure # 4-4a) § 87(2)(b) was taken into the back of the police

station to use the phone. PO Gibbs placed § 87(2)(b) against the wall, and began to search him. As he was conducting the search, his face passed § 87(2)(b) shoulder. At this time, § 87(2)(b) took his shoulder and slammed PO Gibbs in the face, causing him to fall to the ground. § 87(2)(b) began kicking, causing several unidentified officers to restrain him, while PO Gibbs got up off the ground. PO Figueria was the only officer identified attempted to restrain § 87(2)(b). § 87(2)(b) PO Figueria was kicked in the groin with steel tip boots by § 87(2)(b). PO Gibbs stated § 87(2)(b) was handcuffed the entire time. However, PO Figueria stated § 87(2)(b) was not handcuffed. (see enclosure # 5-5a) § 87(2)(g)

PO Figueria § 87(2)(g) He was not present for the encounter that took place at Orchard Beach. He was at the substation. PO Figueria saw PO Gibbs bring § 87(2)(b) into the substation. § 87(2)(b) was not in handcuffs. PO Figueria asked PO Gibbs why the prisoner was not in handcuffs. He received no answer. PO Figueria said that he went on to do some business in the substation. As he was working, he saw a physical altercation break out. He saw § 87(2)(b) kicking his legs, PO Figueria went over to assist in the restraining of § 87(2)(b). As he was attempting to restrain § 87(2)(b) he was kicked in the groin with steel tip boots by § 87(2)(b). PO Figueria stated he fell to the ground in pain, and EMS was called. (See enclosure # 5-5a) PO Figueria stated he never spoke to § 87(2)(b). He never touched § 87(2)(b) person. § 87(2)(b), § 87(2)(g)

§ 87(2)(g)  
According to PO Gibbs several officers attempted to restrain § 87(2)(b). PO Gibbs was only able to provide the name of PO Figueria. PO Figueria was not able to identify any other officers at the scene. PO Gibbs said that there was a white male in a business suit, who helped to place § 87(2)(b) under control. § 87(2)(g) Records were requested from the Orchard Beach substation; However, they have not been received as of this date. § 87(2)(g)

§ 87(2)(g) The Orchard Beach substation was a pool of police officers from all of the Bronx station houses. § 87(2)(g)

§ 87(2)(g)

Investigator: Petrino

Date: 12-2-96

Supervisor: dulce

Date: 12/2/96

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_